

REMARKS**STATUS OF THE CLAIMS**

Claims 7-20 and Claims 35-38 remain in the application.

The Office rejected claims 7, 20, 37, and 38 under 35 U.S.C. 102(b) as being anticipated by *Behar*.

SUMMARY OF THE INVENTION

The present invention is directed a method for vaporizing a liquid or solid sample using a micropyrolyzer comprising a substrate having a suspended membrane formed thereon and a resistive heating element disposed on the membrane for heating the sample. The micropyrolyzer can be constructed from semiconductor materials. The sample size can be less than 3 microliters and the heating rate can be 20 - 70°C per millisecond with very low power consumption.

SUMMARY OF THE ART

Behar, U.S. 4,710,354, discloses a method and device for heating of solid or liquid samples in small quantities comprising a sample holding rod that can be inserted into a tubular heated liner for pyrolysis of the sample.

Morgan et al., discloses Applicants' invention.

ARGUMENTS**EXAMINER-INITIATED INTERVIEW SUMMARY**

Applicants are confused by the Examiner-Initiated Interview Summary mailed with the Advisory Action. Part III of the Summary has the box checked that states "It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability." However, Applicants did not receive a Notice of Allowability and the checked box 5 of the Advisory Action states "request for reconsideration has been

considered but does not place the application in condition for allowance". Therefore, Applicants assume that the rejection of pending claims has been maintained.

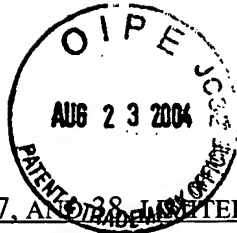
CLAIMS 1-6 AND 21-33

In Applicants response, dated 1/30/04, to the first office action, Applicants withdrew claims 1-6 and 21-33 from prosecution in response to a restriction requirement. Applicants request that claims 1-6 and 21-33 be canceled.

CLAIMS 7-20 AND 34-38 ARE NOT ANTICIPATED BY *MORGAN et al.* UNDER 35 U.S.C. § 102(a)

In the final office action, the Office rejected claims 7-20 and 34-38, asserting that Applicants' invention was described in *Morgan et al.* within one year before the invention thereof by Applicants. The Office withdrew this rejection in the Advisory Action, as a result of the Declaration filed by the Applicants in their reply to the final office action. *See* Advisory Action, page 2.

Applicants have canceled claim 34 and amended claim 7 to include the limitation of claim 34, directed to a substrate selected from the group consisting of semiconductors and dielectrics. In the Advisory Action, as a reason for not entering the amendment of claim 7 to include the limitation of claim 34 that was proposed in Applicants' reply to the final office action, the Office states "Applicants have incorporated into claim 7, a new limitation of the substrate being selected from semi-conductors and dielectrics. While this limitation was previously presented in claim 25, claim 25 was a member of the claims that were withdrawn from consideration and not examined." *See* Reply to Final Office Action, page 6, and Advisory Action, page 2. However, as indicated above, the proposed limitation was previously presented in claim 34, which was added in Applicants' reply, mailed 1/30/04, to the first office action, not in the previously withdrawn claim 25, as asserted by the Office. Accordingly, Applicants submit that amended claim 7, and claims 8-20 and 35-38, which depend from and further define claim 7, are in condition for allowance. *See* MPEP 2143.03.



CLAIMS 7, 20, 37, AND 38, LIMITED TO A MICROPYROLYZED COMPRISING A SUBSTRATE SELECTED FROM THE GROUP CONSISTING OF SEMICONDUCTORS AND DIELECTRICS, ARE NOT ANTICIPATED BY *Behar* UNDER 35 U.S.C. § 102(b)

The Office rejected claims 7, 20, 37, and 38, asserting that the Applicants' method for vaporizing a liquid or solid sample is anticipated by *Behar*'s method and device for heating of solid or liquid samples for pyrolyzing a sample. To anticipate a claim, the reference must teach each and every element of the claim. *See* MPEP 2131.

Amended claim 7 includes the limitation of a substrate selected from the group consisting of semiconductors and dielectrics. This limitation is not taught or suggested by *Behar*. Accordingly, Applicants submit that claim 7 is in condition for allowance. Applicants submit that claims 20, 37, and 38, that depend from and further define claim 7, are also in condition for allowance. *See* MPEP 2143.03.

REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. §1.114

Applicants have submitted herewith a Request for Continued Examination. Please charge \$770 for the RCE and any additional fees that may be required to Deposit Account No. 19-0131.

CONCLUSION

Applicants have amended the claims and urge that the application is now in condition for allowance.

Respectfully submitted,

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CERTIFICATION UNDER 37 CFR 1.8

I hereby certify that this correspondence and documents referred to herein were deposited with the United States Postal Service as first class mail addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on the date shown below.

Date: 8/19/04

By: Martha Injello